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8-23-96  
JW

Attorney's Docket No. 1130-261 Cont. #2

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Michael Meyrick Burrell & Keith Stuart Blundy

Serial No: ~~077991,451~~ <sup>08/284199</sup> Group No.: 1804  
Filed: December 16, 1992 Examiner: D. Fox  
For: MODIFICATION OF PLANT METABOLISM

☒ Patent No.: 5,387,756 Issue Date: February 7, 1995

\*NOTE: Preferably also insert inventor's name and invention title.

Assistant Commissioner for Patents  
Washington, D.C. 20231

TERMINAL DISCLAIMER TO OBVIATE  
A DOUBLE PATENTING REJECTION (37 CFR 1.321(c))

Identification of Person(s) Making This Disclaimer

I, JOSEPH T. EISELE  
(type or print names of all inventors or assigns or name of attorney signing disclaimer)

(a) represent that I am

- ☐ an inventor of this invention.  
☐ an assignee of this invention.

**WARNING:** "If the patent or patent application is assigned to an organization, such as a corporation, partnership, university, [g]overnment agency or similar entity, and the disclaimer is signed by the assignee, the assignee must comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61 at 56.

- ☐ a representative authorized to sign on behalf of the assignee identified below.

**WARNING:** See the above "WARNING".

- ☒ the attorney of record for this invention.

**NOTE:** The rules "permit an attorney or agent of record to sign a terminal disclaimer without the need to comply with § 3.73(b)." Notice of Oct. 15, 1993, 1156 O.G. 54-61, at 56.

CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)

I hereby certify that this correspondence is, on the date shown below, being:

MAILING

☒ deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

FACSIMILE

☐ transmitted by facsimile to the Patent and Trademark Office.

Date: 07/30/96

Joseph T. Eisele  
Signature

Joseph T. Eisele

(type or print name of person certifying)

**IDENTITY OF ASSIGNEE AND TITLE OF DISCLAIMER**  
(if applicable)

The assignee is

Name of assignee Advanced Technologies (Cambridge) Limited

Address of assignee Westminster House, 7 Millbank,  
London SW1, England

Title of disclaimant authorized to sign on behalf of assignee \_\_\_\_\_  
Attorney of Record

**EXTENT OF DISCLAIMER'S INTEREST**

The extent of the interest in this invention that the disclaimant owns is in:

- ☒ the whole of this invention.  
☐ a sectional interest in this invention, as follows:

(state the exact interest of the disclaimant)

**RECORDAL OF ASSIGNMENT IN PTO**  
(if applicable)

- ☒ The assignment was recorded on February 19, 1991

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- ☐ Authorization for recordal of the assignment is separately attached.  
☐ A separate ☐ "ASSIGNMENT (DOCUMENT) COVER SHEET" or  
☐ FORM PTO 1595 is also attached.

**ESTABLISHING RIGHT OF ASSIGNEE TO TAKE ACTION**  
(if applicable)

- ☐ Attached is a CERTIFICATE UNDER 37 CFR 3.73(b) establishing the right of the assignee to take action in this case.

(Terminal Disclaimer to Obviate a Double Patenting Rejection [9-4]—page 2 of 4)

**DISCLAIMER**

The terminal part of the statutory term of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173 of:

- ☒ United States Patent No. 5,387,756, as presently shortened by any terminal disclaimer,
- ☐ Any patent granted on application number  
0 / \_\_\_\_\_,

is hereby disclaimed, except as provided below, and it is agreed that any patent so granted on the above-identified application shall be enforceable only for, and during, such period that the legal title to said patent shall be the same as the legal title to

- ☒ United States Patent No. 5,387,756,
- ☐ Any patent granted on application number  
0 / \_\_\_\_\_,

this agreement to run with any patent granted on the above-identified application and to be binding upon the grantee, its successors or assigns.

In making the above disclaimer, disclaimant does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 to 156 and 173 of:

- ☒ United States Patent No. 5,387,756, as presently shortened by any terminal disclaimer,
- ☐ Any patent granted on application number  
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in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims cancelled by a reexamination certificate, is reissued in any matter or is terminated prior to expiration of its full statutory term as presently shortened by any terminal disclaimer, except for the separation of legal title stated above.

**FEE STATUS**

(37 CFR 1.20(d))

- ☒ Other than a small entity—fee \$110.00.
- ☐ Small entity—fee \$55.00.
- ☐ A verified statement is attached.
- ☐ A verified statement was already filed on \_\_\_\_\_.

**FEE PAYMENT**

- ☒ Attached is a check in the sum of \$ 110.00.  
☒ Charge Account 11-0215 for any fee deficiency.  
☐ Charge Deposit Account \_\_\_\_\_ the sum of \$ \_\_\_\_\_.  
A duplicate of this disclaimer is attached.

**DECLARATION**

- ☐ As I am not a person registered to practice before the Office, I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under SECTION 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date: July 30, 1996

Reg. No.: 25,331

Signature of disclaimant

Joseph T. Eisele

SIGNATURE OF ATTORNEY OF RECORD

Joseph T. Eisele

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(Terminal Disclaimer to Obviate a Double Patenting Rejection [9-4]—page 4 of 4)